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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,160	02/19/2004	Adolfo S. Montero	DC-06017	5009
33438	7590	11/19/2007		
HAMILTON & TERRILE, LLP			EXAMINER	
P.O. BOX 203518			DU, THUAN N	
AUSTIN, TX 78720			ART UNIT	PAPER NUMBER
			2116	
			NOTIFICATION DATE	DELIVERY MODE
			11/19/2007	ELECTRONIC

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/782,160
Filing Date: February 19, 2004
Appellant(s): MONTERO ET AL.

Robert W. Holland
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/20/2007 appealing from the Office action mailed 1/26/2007.

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(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

This appeal involves claims 5, 10 and 18.

Claims 9, 15 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2004/0006690 Du et al. 01-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 5, 10 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Du et al.

[Du], U.S. Pub. No. 2004/0006690.

With respect to claim 5, Du teaches that the predetermined of the processing components further comprise a DVD disc drive and the multimedia application comprises a DVD movie player [para. 0044, 0045, 0084].

With respect to claim 10, since the claim recites method of operating of the apparatus defined in claim 1, they are rejected accordingly based on the rejection of the apparatus claims.

For clarification, the rejection of claim 10 is follow:

Du teaches a method for booting an information handling system to a multimedia mode [para. 0015], the method comprising:

selecting a multimedia mode to present multimedia information at the information handling system [para. 0038, 0111];

modifying boot of the information handling system operating system to enable multimedia devices and disable non-multimedia devices [para. 0034, 0071, 0111, 0120]; and

running a multimedia application with the operating system and the multimedia devices to display multimedia information [para. 0040, 0043].

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With respect to claim 18, appellant did not separately argue claims 10 and 18. Therefore, claim 18 is rejected for the same reasons set forth in claim 10.

(10) Response to Argument

In the Appeal Brief, Appellant argued in substances that: (1) Du fails to disclose that non-multimedia devices are disabled as recited in claims 10 and 18; (2) Du does not address initiation of a disc drive substantially simultaneous with a hard disk drive as recited in claim 5.

With respect to point (1), examiner respectfully disagrees with appellant. Du discloses that only those elements needed, to play music (multimedia devices), are enabled [0034]. Implicitly, the elements not needed to play music (non-multimedia devices) are disabled. A disabled device is a device that is not in an operating state. The device could be powered off or placed in a non-operating state (i.e. suspend, sleep, idle, etc.). Therefore, in Du, the non-multimedia devices are disabled (i.e. by putting them in an idle state) as claimed.

With respect to point (2), claim 5 recites “. . . the multimedia module is further *operable to* initiate power to spin-up the DVD disk drive substantially simultaneous with initiation of power to the hard disc drive . . .” (emphasis added). The claim language does not require the step of initiating power of a disk drive substantially simultaneous with a hard drive to be performed. It is the capability of the system. Du discloses that the DVD disk drive and the hard disk drive are initialized (initiate power) when the system is powered up in multimedia mode [0084]. Therefore, one of ordinary skill in the art would have recognized that Du capable of initiate power of a disk drive substantially simultaneous with a hard drive.

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

(11) Conclusion


For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

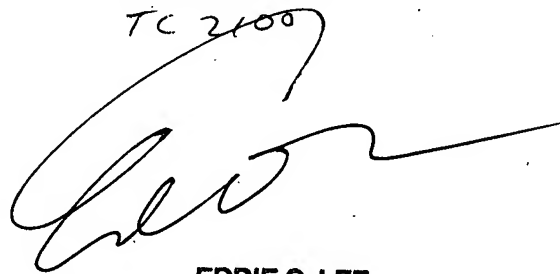
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